

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2194

To require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 15 (legislative day, JUNE 7), 1994

Ms. MIKULSKI (for herself, Mr. REID, Ms. MOSELEY-BRAUN, Mr. LIEBERMAN, Mr. GRASSLEY, and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To require the Architect of the Capitol to establish and maintain a comprehensive personnel management system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Architect of the Capitol  
5 Human Resources Act”.

### 6 **SEC. 2. FINDING AND PURPOSE.**

7 (a) FINDING.—The Congress finds that the Office of  
8 the Architect of the Capitol has not kept pace with human

1 resource management practices common among other  
2 Federal and private sector organizations.

3 (b) PURPOSE.—It is the purpose of this Act to re-  
4 quire the Architect of the Capitol to establish and main-  
5 tain a personnel management system that incorporates  
6 fundamental principles that exist in other modern person-  
7 nel systems.

8 **SEC. 3. PERSONNEL MANAGEMENT SYSTEM.**

9 (a) ESTABLISHMENT.—The Architect of the Capitol  
10 shall establish and maintain a personnel management sys-  
11 tem.

12 (b) REQUIREMENTS.—The personnel management  
13 system shall at a minimum include the following:

14 (1) A system which ensures that applicants for  
15 employment and employees of the Architect of the  
16 Capitol are appointed, promoted, and assigned on  
17 the basis of merit and fitness after fair and equi-  
18 table consideration of all applicants and employees  
19 through open competition.

20 (2) An equal employment opportunity program  
21 which includes an affirmative employment program  
22 for employees and applicants for employment, and  
23 procedures for monitoring progress by the Architect  
24 of the Capitol in ensuring a workforce reflective of  
25 the diverse labor force.

1           (3) A system for the classification of positions  
2           which takes into account the difficulty, responsibil-  
3           ity, and qualification requirements of the work per-  
4           formed, and which conforms to the principle of equal  
5           pay for substantially equal work.

6           (4) A program for the training of Architect of  
7           the Capitol employees which has among its goals im-  
8           proved employee performance and opportunities for  
9           employee advancement.

10          (5) A formal performance appraisal system  
11          which will permit the accurate evaluation of job per-  
12          formance on the basis of objective criteria for all Ar-  
13          chitect of the Capitol employees.

14          (6) A fair and equitable system to address un-  
15          acceptable conduct and performance by Architect of  
16          the Capitol employees, including a general statement  
17          of violations, sanctions, and procedures which shall  
18          be made known to all employees, and a formal griev-  
19          ance procedure.

20          (7) A program to provide services to deal with  
21          mental health, alcohol abuse, drug abuse, and other  
22          employee problems, and which ensures employee con-  
23          fidentiality.

24          (8) A formal policy statement regarding the use  
25          and accrual of sick and annual leave which shall be

1       made known to all employees, and which is consist-  
2       ent with the other requirements of this section.

3   **SEC. 4. IMPLEMENTATION OF PERSONNEL MANAGEMENT**  
4       **SYSTEM.**

5       (a) DEVELOPMENT OF PLAN.—The Architect of the  
6 Capitol shall—

7           (1) develop a plan for the establishment and  
8       maintenance of a personnel management system de-  
9       signed to achieve the requirements of section 3;

10          (2) submit the plan to the Congress not later  
11       than 90 days after the date of enactment of this  
12       Act; and

13          (3) implement the plan not earlier than 30 days  
14       and not later than 90 days after the plan is submit-  
15       ted to the Congress, as specified in paragraph (2).

16       (b) EVALUATION AND REPORTING.—The Architect of  
17 the Capitol shall develop a system of oversight and evalua-  
18 tion to ensure that the personnel management system of  
19 the Architect of the Capitol achieves the requirements of  
20 section 3 and complies with all other relevant laws, rules  
21 and regulations. The Architect of the Capitol shall report  
22 to the Congress on an annual basis the results of its eval-  
23 uation under this subsection.

24       (c) APPLICATION OF LAWS.—Nothing in this Act  
25 shall be construed to alter or supersede any other provi-

1 sion of law otherwise applicable to the Architect of the  
2 Capitol or its employees, unless expressly provided in this  
3 Act.

4 **SEC. 5. DISCRIMINATION COMPLAINT PROCESSING.**

5 (a) DEFINITIONS.—For purposes of this section:

6 (1) The term “employee of the Architect of the  
7 Capitol” or “employee” means—

8 (A) any employee of the Architect of the  
9 Capitol;

10 (B) any applicant for a position that is to  
11 be occupied by an individual described in sub-  
12 paragraph (A); or

13 (C) any individual who was formerly an  
14 employee described in subparagraph (A) and  
15 whose claim of a violation arises out of the indi-  
16 vidual’s employment with the Architect of the  
17 Capitol.

18 (2) The term “violation” means a practice that  
19 violates subsection (b) of this section.

20 (b) DISCRIMINATORY PRACTICES PROHIBITED.—

21 (1) IN GENERAL.—All personnel actions affect-  
22 ing employees of the Architect of the Capitol shall  
23 be made free from any discrimination based on—

1 (A) race, color, religion, sex, or national  
2 origin, within the meaning of section 717 of the  
3 Civil Rights Act of 1964 (42 U.S.C. 2000e-16);

4 (B) age, within the meaning of section 15  
5 of the Age Discrimination in Employment Act  
6 of 1967 (29 U.S.C. 633a); or

7 (C) handicap or disability, within the  
8 meaning of section 501 of the Rehabilitation  
9 Act of 1973 (29 U.S.C. 791) and sections 102  
10 through 104 of the Americans with Disabilities  
11 Act of 1990 (42 U.S.C. 12112-14).

12 (2) INTIMIDATION PROHIBITED.—Any intima-  
13 tion of, or reprisal against, any employee by the Ar-  
14 chitect of the Capitol, or by any employee of the Ar-  
15 chitect of the Capitol, because of the exercise of a  
16 right under this section constitutes an unlawful em-  
17 ployment practice, which may be remedied in the  
18 same manner as are other violations described in  
19 paragraph (1).

20 (c) PROCEDURE FOR CONSIDERATION OF ALLEGED  
21 VIOLATIONS.—

22 (1) GENERAL ACCOUNTING OFFICE PERSONNEL  
23 APPEALS BOARD.—(A) Any employee of the Archi-  
24 tect of the Capitol alleging a violation of subsection  
25 (b) may file a charge with the General Accounting

1 Office Personnel Appeals Board in accordance with  
2 the General Accounting Office Personnel Act of  
3 1980 (31 U.S.C. 751–55) and regulations of the  
4 Board. Such a charge may be filed only after the  
5 employee has filed a complaint with the Architect of  
6 the Capitol in accordance with requirements pre-  
7 scribed by the Architect of the Capitol and has ex-  
8 hausted all remedies pursuant to such requirements.

9 (B) The Architect of the Capitol shall carry out  
10 any action within its authority that the Board orders  
11 under section 4 of the General Accounting Office  
12 Personnel Act of 1980 (31 U.S.C. 753).

13 (C) The Architect of the Capitol shall reimburse  
14 the General Accounting Office for costs incurred by  
15 the Board in considering charges filed under this  
16 section.

17 (2) GENERAL ACCOUNTING OFFICE PERSONNEL  
18 APPEALS BOARD OR OFFICE OF SENATE FAIR EM-  
19 PLOYMENT PRACTICES.—An employee of the Archi-  
20 tect of the Capitol who is assigned to the Senate  
21 Restaurants or to the Superintendent of the Senate  
22 Office Buildings alleging a violation of subsection (b)  
23 may file a charge pursuant to paragraph (1), or may  
24 elect to follow the procedures outlined in the Govern-

1        ment Employee Rights Act of 1991 (2 U.S.C. 1201  
2        et seq.).

3        (d) AMENDMENTS TO THE GENERAL ACCOUNTING  
4        OFFICE PERSONNEL ACT OF 1980.—

5            (1) Section 751(a)(1) of title 31, United States  
6        Code, is amended by inserting “or Architect of the  
7        Capitol” after “Office”.

8            (2) Section 753(a) of title 31, United States  
9        Code, is amended—

10            (A) in paragraph (7) by striking “and” at  
11        the end of the paragraph;

12            (B) in paragraph (8) by striking the period  
13        and inserting “; and”; and

14            (C) by inserting at the end thereof the fol-  
15        lowing:

16            “(9) an action involving discrimination prohib-  
17        ited under section 4(b) of the Architect of the Cap-  
18        itol Human Resources Act.”.

19            (3) Section 755 of title 31, United States Code,  
20        is amended—

21            (A) in subsection (a) by striking the “or  
22        (7)” and inserting “, (7), or (9)”; and

23            (B) in subsection (b) by striking “or appli-  
24        cant for employment” and inserting “applicant

- 1 for employment, or employee of the Architect of
- 2 the Capitol”.

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